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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,515	10/06/1999	JOHN R. SMITH	Y0998-393	2108

7590 10/21/2002

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EXAMINER

DO, ANH HONG

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 10/21/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No. 09/413,515	Applicant(s) Smith et al.
	Examiner Anh Hong Do	Art Unit 2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Aug 5, 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/5/2002 have been fully considered but they are not persuasive.

* With respect to the effective filing date of the cited patent, the applicants are referred to MPEP 201.11 which states "*Under certain circumstances an application for a patent is entitled to the benefit of the filing date of a prior nonprovisional application or provisional which has at least one common inventor. The conditions are specified in 35 USC 120 and 35 USC 119(e)*". In Hoffert Patent, although its filing date is February 28, 2000, the effective filing date should be April 30, 1997 (the filing date of the continuation application No. 08/847,158, now patent No. 5,903,892). The latter patent clearly includes the same relevant teachings as those in the cited patent that examiner relies for the anticipation rejection. Hence, the Hoffert patent is an appropriate 102(e) reference since it was filed before November 29, 2000 and entitled the benefit of the filing date of the earlier application, which contains a specific reference to the earlier filed application (see 35 USC 120 (C)).

* Regarding the applicants' note that "it would be inappropriate for the examiner to issue a final office action in response to this amendment, given the discrepancy with regard to the content of the CIP", the applicants are again referred to MPEP 706.07(a), which permits the

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examiner makes the second or subsequent action final provided that no new ground of rejection is introduced.

* In response to the applicants' arguments that Hoffert does not analyze the multimedia presentation for transcoding, it is noted that Hoffert does teach analyzing the content of the media files (col. 3, lines 8-11), wherein the media files are multimedia presentation since several media files are involved therein to constitute a multimedia presentation. Although Examiner inadvertently used "representation" the media files disclosed in Hoffert refers to a multimedia presentation. In addition, Hoffert performs transcoding based the analyzed content.(col. 11, lines 37-41).

For the foregoing reasons, it is believed the rejection should be sustained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this

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application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffert et al. (U.S. Patent No. 6374260 B1).

Regarding claim 1, Hoffert discloses:

- analyzing the content of the multimedia presentation (col. 3, lines 8-11);
- performing transcoding based the analyzed content (col. 11, lines 37-41).

Regarding claim 3, Hoffert teaches selecting less than all of said content for transcoding and transcoding less than all of said content (col. 11, lines 37-41 and col. 12, lines 56-58).

Regarding claims 4 and 5, Hoffert teaches separating a multimedia document into individual multimedia object and analyzing each multimedia object individually (col. 3, lines 15-17 and col. 10, lines 59-62).

Regarding claims 6 and 7, Hoffert teaches identifying relationships between multimedia objects within a multimedia document (col. 10, lines 59-65) and transcoding the related elements/objects as a group (col. 11, lines 44-50).

Regarding claim 8, Hoffert teaches wherein the multimedia content is a document published on the World-Wide Web (col. 4, lines 46-49 or col. 2, lines 5-8).

Regarding claim 9, Hoffert teaches the multimedia comprises visual content (col. 15, lines 42-45).

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Regarding claim 10, Hoffert teaches the visual content is classified as an image type (col. 15, lines 43-44).

Regarding claim 11, Hoffert teaches a decision tree for classifying images into image type classes (col. 7, line 67 - col. 8, line 6).

Regarding claim 12, Hoffert teaches color photos, color graphics, gray graphics, black and white photos, and black and white graphics (col. 13, lines 34-42).

Regarding claim 13, Hoffert teaches extracting color and texture features from the images (col. 7, lines 17-33).

Regarding claims 14 and 15, Hoffert teaches the image classification is used to select from different methods for compression (col. 3, lines 36-44), size reduction (col. 13, lines 25-26), color reduction (col. 13, lines 62-64), substitution (col. 13, lines 26-29) and removal (col. 13, line 66 - col. 14, line 2).

Regarding claim 16, Hoffert teaches the transcoder adapts the content to display, processing and storage constraints of the client devices (col. 11, lines 49-55).

Regarding claim 17, Hoffert teaches adapting the content to the bandwidth and connectivity constraints of the network (col. 4, lines 37-52).

Regarding claim 18, Hoffert teaches the client device is a browser (col. 7, line 67).

Regarding claim 19, Hoffert teaches the client device is a hand-held computer (col. 7, lines 63-66 or Fig. 3:231).

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Regarding claim 20, Hoffert teaches intranet sites which can implicitly be accessed by phone (col. 4, lines 45-52).

Regarding claims 21 and 22, Hoffert teaches the network connection uses a wireless link to the client device (col. 4, lines 37-45).

Regarding claims 23 and 24, Hoffert teaches selecting an alternative version of data (col. 11, lines 50-60).

Regarding claim 25, since this system claims corresponds to method claim 1, the discussion of claim 1 applies hereto.

Regarding claim 27, Hoffert teaches a computer program of instructions (col. 7, lines 63-66) to perform the steps in claim 1 and accordingly the discussion of claim 1 applies hereto.

Regarding claims 2, 26 and 28, Hoffert teaches selecting at least one transcoding alternative and performing transcoding the content according to said at least one transcoding alternative (col. 11, lines 49-60).

Regarding claim 29, Hoffert teaches the content analysis results stored embedded with the multimedia content (col. 5, line 53).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Hong Do whose telephone number is (703) 308-6720.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700 or 4750. The fax phone number for this Group is (703) 872-9314.

October 28, 2002.

